

October 31, 2019



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 20828
(SECOND REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of lead batteries with lithium batteries and lightbulbs containing mercury in the same transport vehicle. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.159(e)(1) in that lead batteries and acidic battery fluid may be transported in the same vehicle as lithium cells or batteries and mercury-containing lightbulbs.
5. BASIS: This special permit is based on the application of Batteries Plus, LLC dated January 29, 2019 submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated September 25, 2019 and October 15, 2019.

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6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identi- fication Number	Packing Group
Batteries, wet, filled with acid, <i>electric storage</i>	8	UN2794	N/A
Battery fluid, acid	8	UN2796	II
Batteries, wet, non-spillable, <i>electric storage</i>	8	UN2800	N/A
Lithium ion batteries <i>including lithium ion polymer batteries</i>	9	UN3480	N/A
Lithium ion batteries contained in equipment <i>including lithium ion polymer batteries</i>	9	UN3481	N/A
Lithium ion batteries packed with equipment <i>including lithium ion polymer batteries</i>	9	UN3481	N/A
Lithium metal batteries <i>including lithium alloy batteries</i>	9	UN3090	N/A
Lithium metal batteries contained in equipment <i>including lithium alloy batteries</i>	9	UN3091	N/A
Mercury contained in manufactured articles*	8	UN3506	N/A

*Mercury in lightbulbs

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7. SAFETY CONTROL MEASURES:

a. OPERATIONAL CONTROLS:

(1) This special permit authorizes the transportation of packages containing hazardous materials specified in paragraph 6 above using dedicated transport vehicles operated by employees of the grantee between the grantee's retail stores and distribution centers. Packages must be prepared, marked, labeled, and transported by trained employees of the grantee.

(2) No hazardous materials other than those listed in paragraph 6 above may be transported in the same vehicle.

(3) All outer packagings must be secured against movement in the dedicated transport vehicle.

(4) Any other material (non-hazardous) in the same vehicle must be secured to prevent contact with or damage to outer packagings of hazardous materials in the transport vehicle.

(5) Packages must be stored away from heat.

(6) Lithium cells or batteries (including those contained in or packed with equipment) transported under the terms of this special permit must fully comply with the HMR.

(7) The lithium cells or batteries, or those contained or packed with equipment, as applicable, must be equipped with an effective means of preventing dangerous reverse current flow when a battery contains cells or batteries that are connected in parallel.

(8) Lithium cells and batteries, as applicable, must be secured and protected against short circuiting.

(9) Equipment containing lithium cells or batteries must be protected from inadvertent activation.

(10) Complete training records must be maintained on every employee.

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- b. TESTING: Each lithium cell and lithium battery must have been tested in accordance with the UN 6th Revision (or a previous revision that was in effect at the time of manufacture) and met the requirements of that revision. Each cell and battery must have passed the required tests and installation of a battery management system for large size (> 6,200 Watt-hours) batteries, as applicable.

c. PACKAGING REQUIREMENTS:

- (1) The packages in the transport vehicle must meet the following requirements:

Hazardous Materials	Requirements
Batteries, wet, filled with acid (UN2794)	§ 173.159(e) (2), (3), and (4)
Batteries, wet, non-spillable (UN2800)	§ 173.159(e) (2), (3), and (4)
Battery fluid, acid	§ 173.159(e) (2), (3), and (4)
Lithium cells or batteries	§ 173.185
Mercury contained in manufactured articles (lightbulbs)	§ 173.164

- (2) The aggregate net weight of lithium cells or batteries and lightbulbs (Mercury contained in manufactured articles) in a transport vehicle may not exceed 200 kg (440 pounds).

- (3) The aggregate net quantity of mercury in each package containing lightbulbs may not exceed one (1) gram with not more than 100 mg of mercury contained in any one (1) article (lightbulb).

d. MARKING AND LABELING:

- (1) Each package containing lithium cells or batteries (including those contained in or packed with equipment) must be marked and labeled in accordance with the HMR.

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(2) No labeling or marking is required for "Batteries, wet, filled with acid," "Battery fluid, acid," "Batteries, wet, non-spillable," and packages of "lightbulbs."

8. SPECIAL PROVISIONS:

a. Shipments must comply with § 173.159(e) (5) .

b. A person who is not a holder of this special permit who receives a package covered by this special permit may not reoffer it for transportation.

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

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No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Steve H/NICKS